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A DECLARATION OF THE Lord Deputy & COVNCIL,

For Removing and Preventing of ſome Miſtakes in GOVERNMENT in *IRELAND.*

Heyhood (C) Lord Dep

By the Lord Deputy and Council.

ORdered, That this Declaration be forthwith Printed and Publiſhed.

Tho. Herbert.
Clerk of the Council.

DUBLIN,
¶ Printed by WILL. BLADEN, *An° Dom.* 1655.

¶ By the Lord Deputy and Council.

THE Lord Deputy and Council in their late March into the Provinces of *Leinſter*, *Munſter* and *Connaught*, taking notice of the preſent condition and poſture of affairs in thoſe parts, do find the enſuing grievances to have been complained of. (*Viz.*)

I.

THat the Multitude of Ale-houſes in this Nation (being the ſhops and neſts of wickedneſs) are no whit reſtrained in number, nor reformed in their abuſes, but (according to the old uſual Iriſh manner) almoſt every houſe in every village and Town is an Ale-houſe.

For remedy whereof, the Iuſtices of Peace and others in authority are required to take ſpecial care that the number of Ale-houſes be forthwith leſſened; and that no more Ale-houſe be licenced than are of abſolute neceſſity; as alſo that the Aſſize of Ale and Beer be obſerved according to Law; and that where any perſon is disabled by Law, in ſuch caſe ſuch perſon is not to be licenced for three years according to Law.

II.

VVhereas 't is obſerved, That Fornication, profane Swearing and Curſing, profanation of the Lords day, and ſuch like notorious abominations are not ſo much witneſſed againſt, nor enquired after and puniſhed as ought to be.

The Iuſtices of the Peace are to witneſs againſt thoſe evils aforementioned, and to make diligent enquiry after ſuch profaneneſs, and for puniſhment thereof they are to proceed according to Law.

III.

Many are ſent to priſon by perſons not being Iuſtices of the Peace, or having legal and juſt power ſo to do; and if there be a Warrant from a Iuſtice of the Peace for ſuch Commitment, the cauſe of the Commitment is not ſet down or mentioned in the Warrant; and many are committed by verbal orders of Iuſtices.

All which are done contrary to Law and Iuſtice: For that none ought to be committed but by perſons in Authority, and this to be by Warrant; and now being to be ſent to Gaol without a Mittimus *in writing under the hand and ſeal of the Iuſtice, wherein is to be expreſſed the cauſe of ſuch Commitment.*

IV.

Many perſons being ſent to priſon for offences of which they are ſuſpected to be guilty, yet are bailable by Law, and bail is tendered but refuſed.

Iuſtices ought to take ſufficient Bail, where the Caſe is bailable.

V.

'T is complained of, That many perſons being ſent

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to prison, are bound over to appear at the Assizes or Sessions, but no persons are bound over either to prosecute them or to give evidence against them; nor are Examinations taken either of the offenders, or of the accusers and witnesses; and sometimes the offender is examined upon his own oath, and the informer and witnesses that give evidence against him, are not examined upon oath in case of felonie, nor returned as ought to be.

In this case Iustices are to bind prosecutors and witnesses over to give evidence, and to take the examination of witnesses upon oath, the offender not being to be sworn against himself; and all witneses are to appear and prosecute; and one of the chief witnesses is to be bound to prosecute the Bill of Indictment.

VI.

VVhere a person is committed upon any suspicion of felony, (though never so slight) presently the Sherif or Lord of the Liberty seizes all his goods and stock, and carries them away and sells them, whereby the person hath no means to live on, untill he come to his tryal; and if he be acquitted, yet his goods are sold at such under-rates, as the innocent (his wife and children) are ruined and beggered contrary to law and justice.

This is an oppression, and contrary to Law; and the party imprisoned ought to have competent maintamance thereout during restraint; and the goods are not to be sold untill the party be convicted by Law.

VII.

Vnder colour of Warrants granted by Iustices of the Peace, and other persons of Trust, for the enquiring after and apprehending of Rogues, Vagabonds, and

idle persons that have no means of their own or of their friends to live upon, that refuse to labor, but live by begging and wandering up and down the Country; and after judgment given by them, That the persons so apprehended are such persons, and no person responsible will undertake for them for the future: That then such Idlers and Rogues to be sent to the English Plantations, and there for some time to labor. Yet under colour of such Orders many poor innocent persons of the Irish Nation are taken away, that do follow their labor; and many are forced to give money for their ransom or their deliverance, contrary to law and the power and directions given for apprehending of such persons.

Persons so offending are to be proceeded against according to Law. None being to be sent to the Barbadoes or other the American Plantations, save such as are or shall be sentenced by Justices of Peace, at their Quarter Sessions or Courts Martial.

VIII.

Many persons (having no authority so to do) send for persons, and hear causes, and give orders without consent of the parties themselves.

This is disagreable to Law.

IX.

Lords of Liberties, Sherifs in their County Courts and others do appoint Stewards that are of evil fame, and altogether ignorant of the law; others, Irish men that are Papists and countenancers of the late bloudy Rebellion; and by the ignorance, lucre and malice of such persons, Iustice is perverted and horrible oppressions in all parts done and committed, especially to the poor.

No perſon of evil fame, or that is a Papiſt ought to be Steward or Bailif to any Lords of Liberties or Sherifs.

X.

The Sherifs cauſe Courts to be kept in the ſeveral Baronies of their Bailifwick; and when one is ſummoned to appear at a day in one Barony and have time given him to anſwer, he is called upon at the next Court in another Barony, and ſome 20 or 30 Miles diſtant, and for not anſwering is condemned, and judgment given againſt him.

The County Court ought to be in a conſtant place, and (if poſſible) in the heart of the country, for the moſt eaſe of the people.

XI.

All perſons above the age of 12 years are ſummoned to appear at the Sherifs Court; and for not appearing are amerced, and diſtreſſes for ſuch amerciaments taken; and five ſhillings, and ſometimes more, is taken by the Bailif, to the great oppreſsion of the poor.

By the Statute of XI Henry 7. *the Sherifs, under Sherifs, their Clerks or their Deputies, ought to make no Eſtreats to leavy the ſaid Sherifs amerciaments, untill two Juſtices of the Peace (whereof one to be of the Quorum) have had the view and overſight of their Books; and that the Eſtreats be indented betwixt the ſaid Juſtices of the Peace and the ſaid Sherifs and under Sherifs, and ſealed with their Seals; the one part to remain with the ſaid Juſtices, and the other part with the ſaid Sherifs or under Sherifs, to the intent they may underſtand if any deceipt be, or untrue demeaning in them in making of their Books; and that thoſe perſons who ſhall be Gatherers of thoſe amerciaments, as Bailifs*

liſs or other Officers, be ſworn by the ſaid Iuſtices, that they take no more money than is forfeited and contained in the Eſtreats ſealed with the ſeals of the ſaid Iuſtices of Peace, upon the penalty of fourty ſhillings; thereof the ſaid Gatherers to be convict by examination of the ſaid Iuſtices of Peace or one of them.

XII.

Bailifs and other Officers of Sherifs do ſummon all petty Cunſtables and moſt of the Inhabitants of a pariſh to Aſsizes and Seſsions, without any power ſo to do, ſparing onely ſuch as will give them a reward.

Bailifs ought to ſummon none to appear at Aſsizes or Seſſions, but ſuch onely as they have Warrants for from the Sherif; and they are not to ſpare any for reward.

XIII.

Iuſtices of the Peace grant blank Warrants and, deliver them ſome to their own Clerks, ſome to the Clerks of the Peace, who go up and down the County and give Licences for ſelling Ale and Beer to any that will ſue for the ſame; and take five ſhillings for every Licence, and in ſome places more and in ſome places leſs.

It being unlawful for Iuſtices to give blank Warrants, nor is above twelve pence to be taken for any Licence.

XIV.

Such as have had power committed to them for the adminiſtration of Iuſtice in particular Cities and Places, have not made it their work to give relief to the poor and oppreſſed, nor to adminiſter juſtice according to Law;

Law; but have rather uſed an arbitrary power in doing what hath ſeemed good unto them, but have not as they ought adminiſtered juſtice, according to the law and juſtice of the Nation.

Such proceedings are againſt Law, and diſpleaſing both to God and man, and therefore Iuſtices are to be circumſpect and faithful in the execution of juſtice in this particular.

XV.

There hath not care been had and taken for the erecting of Gaols and Workhouſes in the ſeveral Counties of the Nation, nor due proviſion had and made for the relieving of the poor, aged and impotent, nor for the putting forth (to be apprentices and ſervants) ſuch children whoſe parents are not able to maintain them, or provide for them, to Maſters and Dames that might have brought them up in good and honeſt callings and employments, as the Law in ſuch caſes hath provided.

In this caſe the Iuſtices of Peace in the reſpective Precincts are to take care that Gaols and Workhouſes be erected for the good and wellfare of the Country, as the Law directs: To which purpoſe the Iuſtices of the Peace in the reſpective Counties are required to put in execution the Act made in Ireland x° Caroli, *concerning houſes of Correction and Workhouſes; and all other Laws concerning the ſame made in* England.

XVI.

For that it hath been frequently uſed to ſend letters both to ſuch as are in Commiſsion for adminiſtration of juſtice, before whom ſuits depend; as alſo to other Miniſters of State, (intruſted with the agitation of Affairs on behalf of his Highneſs the Lord Protector) thereby under pretence of deſiring expedition and lawful favor, endeavoring to pervert juſtice.

That

That ſuch practice is an offence againſt the Common-Law, and for which the party ſo offending may be endicted, as of a great misdemeanor.

For prevention of which grievances as aforeſaid, all perſons intruſted with any power and authority in this Nation, are deſired to uſe all their utmoſt endeavors in their ſeveral Stations and Callings, for the ſpeedy removal and effectual reformation of the evils abovenamed.

And to that end it is hereby alſo Ordered and Declared, That the Iudges in their Circuits, and the Iuſtices and all other perſons in authority in this Nation, be, and they are deſired and required to lay the aforementioned grievances and oppreſſions to heart, and (according to their ſeveral places and conditions) to make enquiry after, and ſtrictly puniſh the aforementioned Offences according to law and juſtice; and to remember how the Lord hath ſignally witneſſed againſt theſe and other evils in thoſe who have been before Vs, to quicken Vs up the more in the diligent and faithful discharge of Our duties; And let it not be ſaid of Vs whom the Lord hath ſo ſignally owned, That we ſhould now in the leſt return into any of their abominations whom God hath ſo witneſſed againſt; and as they ſhall find any obſtruction, they are forthwith to certify the Lord Deputy and Counci thereof, to the end that ſome effectual courſe may be had and taken for the ſevere puniſhment of the offences before named, as ſhall be agreable to Iuſtice.

Laſtly, We hereby deſire all perſons who are called unto the Office of a Iuſtice of Peace, to conſider that it is a work wherein they may exceedingly honor the Lord, in being both a Terror to evil doers, and a praiſe

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to them that do well; and therefore in a ſpecial manner we recommend to all perſons ſo called, to conſider ſeriouſly the weight of this work, and to look upon it as that which in the faithful diſcharge of their duty therein, they are not onely accomptable to Man but unto God.

And the Sherifs in the reſpective Counties are hereby Ordered and required to make publication hereof in every Market Town, and to transmit Books hereof to the Iuſtices of Peace within their reſpective Shrievalties, for their better underſtanding and care for redreſſing ſuch grievances for the future, as are afore named.

Dated at the Caſtle of Dublin, the nineth of July 1655. TH. HERBERT
Clerk of the Council.

By the Lord Deputy and Council.

ORdered, That this Declaration be forthwith Printed and Publiſhed.

Thomas Herbert
Clerk of the Council.

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